

Appl. No. : **10/729,018**
Filed : **December 5, 2003**

REMARKS

Claims 1-61 were pending in this application. Claims 1, 24, 41, 44, and 60 are canceled herein. Claims 2-4, 8-10, 14-17, 21-23, 25-27, 30-32, 36-38, 42-43, 45-51, 55-56, and 61 are amended. Accordingly, Claims 2-23, 25-40, 42-43, 45-59, and 61 remain pending for reconsideration.

Pending Claims Comply With § 112 And Are In Condition For Allowance

Claims 37, 41, and 55 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite. The dependency of Claim 37 is amended to clarify that the ophthalmic device recited in the base claim may comprise an opaque bio-compatible material. Similarly, Claim 55 has been amended to clarify that the ophthalmic lens recited in the base claim may comprise an opaque bio-compatible material. Claim 41 is canceled herein.

Claims 3, 25, 45, and 61 were objected to as being dependent upon a rejected base claim but were indicated as being allowable if rewritten in independent form including all the limitations of the base and any intervening claims. Claims 3, 25, 45, and 61 have been amended to contain all the limitations of independent Claims 1, 24, 44, and 60 respectively. Claims 3, 25, 45, and 61 depended directly from Claims 1, 24, 44, and 60. Thus, Claims 3, 25, 45, and 61 are in condition for allowance.

Claims 2 and 4-23 as-filed or as amended herein depend from Claim 3 and further define the invention defined in Claim 3. For at least the reasons set forth above with respect to Claim 3, Applicants respectfully submit that Claims 2 and 4-23 are patentable at least for the same reasons that Claim 3 is patentable. Therefore, Applicants respectfully request allowance of Claims 2 and 4-23.

Claims 26-40 and 42-43 as-filed or as amended herein depend from Claim 25 and further define the invention defined in Claim 25. For at least the reasons set forth above with respect to Claim 25, Applicants respectfully submit that Claims 26-40 and 42-43 are patentable at least for the same reasons that Claim 25 is patentable. Therefore, Applicants respectfully request allowance of Claims 26-40 and 42-43.

Claims 46-59 as-filed or as amended herein depend from Claim 45 and further define the invention defined in Claim 45. For at least the reasons set forth above with respect to Claim 45,

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Applicants respectfully submit that Claims 46-59 are patentable at least for the same reasons that Claim 45 is patentable. Therefore, Applicants respectfully request allowance of Claims 46-59.

Applicants do not acquiesce in the rejections or in the Examiner's statements concerning the scope of the references cited. Applicants reserve the right to pursue claims of scope similar to the scope of the claims canceled herein.

SUMMARY

For the foregoing reasons, the Applicants respectfully submit that the present application is in condition for allowance, and the Applicants respectfully request that a Notice of Allowance be issued at the earliest opportunity.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: October 22, 2004

By:


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AMENDMENT / RESPONSE TRANSMITTAL

Applicant : Miller et al.
 App. No. : 10/729,018
 Filed : December 5, 2003
 For : SYSTEM AND METHOD
 FOR INCREASING THE
 DEPTH OF FOCUS OF THE
 HUMAN EYE
 Examiner : Jordan Marc Schwartz
 Art Unit : 2873

CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

October 22, 2004

(Date)

Andrew M. Douglas, Reg. No. 51,212

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing in the above-identified application are the following enclosures:

- (X) Response to Office Action Mailed June 22, 2004 in 9 pages.
- (X) An Information Disclosure Statement.
- (X) A PTO Form 1449 with 37 references.
- (X) The present application qualifies for small entity status under 37 C.F.R. § 1.27.

The fee has been calculated as shown below:

FEE CALCULATION				
FEE TYPE		FEE CODE	CALCULATION	TOTAL
Total Claims	56 - 61 = 0	2202 (\$9)	0 x 9 =	\$-0-
Independent Claims	4 - 4 = 0	2201 (\$44)	0 x 44 =	\$-0-
Multiple Claim		2203 (\$150)		\$-0-
Information Disclosure Statement		1806		\$180
1 Month Extension		2251 (\$55)		\$55
			TOTAL FEE DUE	\$235

- (X) An extension of time is hereby requested by payment of the appropriate fee indicated above.

- A check in the amount of \$235 is enclosed.
- Return prepaid postcard.
- Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.



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